

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ALFREDO SUAREZ,

Plaintiff,

v.

O. VALLADOLID, et al.,

Defendants.

No. 1:22-cv-00160-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
TO CONTINUE TRIAL

(ECF No. 135)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

This case is currently set for jury trial on August 13, 2024, at 8:30 a.m. in Courtroom 9.

On August 1, 2024, Plaintiff filed a motion to continue the jury trial because he does not have access to his legal materials. (ECF No. 135.)

On August 6, 2024, Defendants filed a response stating:

On August 1, 2024, Correctional Officer J. Webb, COR Receiving and Release Property Officer, advised me through Litigation Coordinator P. Williams, that Plaintiff received a shipment of legal property, and it had been forwarded to him in the Administrative Segregation Unit (ASU).

On August 2, 2024, Correctional Officer B. Xiong advised me, through Litigation Coordinator P. Williams, that, even though he is in ASU, Plaintiff has access to Lexis Nexis via a kiosk. Plaintiff can also access other library services from the prison law library upon request, including copies and legal materials. Prison staff refer to this process

1 as “paging.” B. Xiong further advised that as of 9:35 a.m. on August 2, 2024, Plaintiff had
2 not made any paging requests. Plaintiff has been at COR since July 18, 2024.

3 (ECF No. 139 at 2.)

4 Plaintiff has failed to articulate how his ability to adequately litigate this case has been
5 impeded by the lack of access to his legal materials and/or legal research. As stated in the
6 Court’s July 23, 2024, order, “to date, the Court has issued the pretrial order, Plaintiff has filed
7 motions in limine, and the Court has issued a written order addressing the parties’ motions in
8 limine and the lack of an opposition to Defendants’ motions in limine or any other optional filings
9 as set forth in the pretrial order will not prejudice Plaintiff.” (ECF No. 129 at 3:2-5.) Further,
10 Plaintiff has had access to his legal property since August 1, 2024, and access to legal research
11 which has not been utilized as of August 2, 2024, Plaintiff’s request to the continue the jury trial is
12 denied. Accordingly, Plaintiff’s motion to continue the jury trial is DENIED.
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15 IT IS SO ORDERED.

16 Dated: August 7, 2024

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UNITED STATES MAGISTRATE JUDGE